

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,
THE STATE OF MICHIGAN,

Civil Case No. 09-11146
Hon. Bernard A. Friedman
Mag. Judge Michael Hluchaniuk

Plaintiffs,

FILED IN CAMERA
AND UNDER SEAL

ex rel. MICHAEL GERBER and
DEBORAH OXFORD GERBER,

Plaintiffs/Relators,

v.

DAVID LAU, JUNE LAU, and JOYCE
LINDSAY, individuals; SOCIAL
RESOURCES, INC., a Michigan Non-
Profit Corporation; D & J HOME CARE,
INC., a Michigan Corporation; and TSL
ENTERPRISES, INC., a Michigan Corporation,

Defendants.

**UNITED STATES AND STATE OF MICHIGAN'S JOINT
NOTICE OF ELECTION TO DECLINE INTERVENTION**

Pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States, together with the State of Michigan, notifies the Court of its decision to decline intervention in this action.

Although the United States declines to intervene, we respectfully refer the Court to 31 U.S.C. § 3730(b)(1), which allows the relator to maintain the action in

the name of the United States; provided, however, that the “action may be dismissed only if the court and the Attorney General give written consent to the dismissal...” *Id.* Therefore, the United States requests that, should either the relator or any of the defendants propose that this action be dismissed, settled, or otherwise discontinued, the Court solicit the written consent of the United States before ruling or granting its approval.

Furthermore, pursuant to 31 U.S.C. §3730(c)(3), the United States requests that all pleadings filed in this action and orders issued by the Court be served upon the United States and the State of Michigan. The United States and the State of Michigan reserve their right to order any deposition transcripts, to intervene in this action for good cause at a later date, and to seek the dismissal of the relator’s action or certain claims.

Accordingly, the Government requests that the relator’s Complaint and Amended Complaint, this Notice, and the attached proposed Order, once entered, be unsealed. The United States and the State of Michigan request that all other papers on file in this action remain under seal because in discussing the content and extent of the United States’ and the State of Michigan’s investigation, such papers are provided by law to the Court alone for the sole purpose of evaluating whether the seal and time for making an election to intervene should be extended.

Respectfully submitted,

BARBARA L. McQUADE
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Eastern District of Michigan

s/Peter A. Caplan
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s/Jason Evans, with consent
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Dated: January 4, 2017

CERTIFICATE OF SERVICE

It is hereby certified that on this date I have served relator's counsel with copies of this Notice and the proposed order by first class mail, postage prepaid, addressed as follows:

David L. Haron
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s/Peter A. Caplan
Assistant U.S. Attorney

Dated: January 4, 2017